

## 3 FAM 7120 DEFINITIONS

*(CT:PER-524; 03-25-2005)*  
*(Office of Origin: HR/OE)*

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*(Applies to Agencies and Establishments under Chief of Mission Authority)*

Unless the context requires otherwise, the following terms will have the meanings set out below for all regulations in 3 FAM 7000 and 8000.

**Appointment Eligible Family Member (AEFM)** – An EFM who is eligible for direct hire employment on either a Family Member Appointment (FMA) or Temporary Appointment (TEMP), provided that the candidate meets all of the following criteria: U.S. citizen; spouse or dependent referred to in 6 FAM 111.3 subparagraphs (1), who is at least age 18; listed on the travel orders of a Foreign or Civil Service employee or uniformed service member permanently assigned to or stationed at a U.S. Foreign Service post or establishment abroad with a USG agency that is under Chief of Mission authority; is resident at the sponsoring employee's or uniformed service member's post of assignment abroad; and does not receive a U.S. Government retirement annuity or pension based on a career in the U.S. Foreign, Civil, or uniformed service.

**Chief of Mission (COM)** – Principal officers appointed by the President, by and with the advice and consent of the Senate, to be in charge of a diplomatic mission of the United States or of a U.S. office abroad, which is designated by the Secretary of State as diplomatic in nature (Section 302(a)(1) of the Act). Career members of the Service assigned by the President to serve as chargé d'affaires or otherwise as the head of a mission or the U.S. office abroad which is designated by the Secretary as diplomatic in nature for such periods as the public interest may require (Section 102(a)(3) and 502(c) of the Act).

**Computer-Aided Job Evaluation (CAJE)** - The interagency job evaluation methodology and approach for evaluating all positions filled by overseas employees under Chief of Mission authority.

**Direct-Hire Appointment** – A hiring action that is taken under one of the below general U.S. Government appointment authorities or other agency specific appointment authorities:

- Section 303 of the Foreign Service Act of 1980 (22 U.S.C. 3943),

as amended (Foreign Affairs Agencies' employment authority for U.S. citizens and foreign nationals)

- 5 CFR 8.3 (general USG executive branch authority for employing foreign nationals abroad)
- 5 CFR 8.1, 8.2 and 301.201 et seq. (general USG executive branch authority for employing U.S. citizens abroad)
- Section 202(a)(4)(A) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(4)(A)), as amended (Non-Foreign Affairs Agencies' employment authority for U.S. citizen Eligible Family Members or Locally Employed Resident U.S. Citizens, authorized by the Department of State, utilizing the Foreign Service personnel system)

**Eligible Family Member (EFM)** – The definition is the same as found in 6 FAM 111.3 which is as follows:

- Children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support. The term shall include, in addition to natural offspring, stepchildren and adopted children and those under legal guardianship of the employee or the spouse when such children are expected to be under such legal guardianship at least until they reach 21 years of age and when dependent upon and normally residing with the guardian
- Parents (including stepparents and legally adoptive parents) of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support (these parents are not authorized medical travel; see 3 FAM 1900)
- Sisters and brothers (including stepsisters or stepbrothers, or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support (these sisters and brothers are not authorized medical travel; see 3 FAM 1900)
- Spouse

**Foreign Service National (FSN)** – A non-U.S. citizen, who is not an Eligible Family Member, employed at a U.S. Foreign Service post by a U.S. Government agency that is under Chief of Mission authority using one of the below listed types of employment authorities:

- Direct-Hire Appointment (Section 303 of the Act; 5 CFR 8.3)
- Department of State personal services agreement (PSA) or personal services contract (PSC) authorities (22 U.S.C. 2669(c))

and (n))

- An employing agency's specific PSC or PSA authority, if that agency recognizes individuals hired under its authority as employees

**Local Compensation Plan (LCP)** - A Foreign Service post's official system of compensation for Locally Employed Staff established in accordance with Section 408 of the Foreign Service Act of 1980, as amended (22 U.S.C. 3968). The LCP consists of the salary schedule(s) and salary rates; statements authorizing various types of benefit payments and premium pay rates; and other pertinent facets of local compensation.

**Locally Employed Resident U.S. Citizen (AMCIT)** - An Ordinarily Resident U.S. citizen who is a legal resident of and has a work and/or residency permit in the host country, and is employed under a direct-hire appointment, a personal services contract, or a personal services agreement at a Foreign Service post abroad by a U.S. Government agency or establishment that is under a Chief of Mission authority.

**Locally Employed Staff (LE Staff)** - The general term used for Foreign Service Nationals and Ordinarily Resident AMCITs. LE Staff are employed at a Foreign Service post abroad by a U.S. Government agency or establishment that is under Chief of Mission authority and are paid under a Local Compensation Plan.

**Member of Household (MOH)** - An individual residing at post with a U.S. citizen foreign, civil, or uniform service member who is permanently assigned to or stationed at a U.S. foreign service post or establishment abroad (sponsoring employee). The MOH has been officially declared by the sponsoring employee to the Chief of Mission as part of his/her household; is not an EFM; and is not on the travel orders of the sponsoring employee.

**Not Ordinarily Resident (NOR)** - An individual who is a non-host country citizen who is not ordinarily resident in country and may legally work at a U.S. diplomatic or consular post, but is not subject to host country employment and tax law. Employees who are NORs are compensated on either the U.S. Foreign Service or Civil Service pay plans.

**Ordinarily Resident (OR)** - An individual who is either a citizen of the host country, or a citizen of another country (including the U.S.) who has legal permanent resident status in the host country, and is subject to host country employment and tax law. Employees who are ORs generally are compensated in accordance with the employing post's Local Compensation Plan.

**Overseas Employees** - The general term used for all employees regardless of citizenship, legal residency, and family status, who are recruited and employed under direct hire appointment, PSA or PSC at a Foreign Service post abroad by a U.S. Government agency or establishment that is under

Chief of Mission authority. This does not include U.S. recruited individuals nor individuals hired outside of post under applicable contracting authority (USPSC).

**Participating Agency (PA)** – A U.S. Government agency with representation overseas under Chief of Mission authority that is signatory to a Department of State Personal Services Agreement Memorandum of Agreement, which authorizes State to enter into personal service agreements with individuals to perform services in support of the Participating Agency as provided under 22 U.S.C. 2669(n).

**Personal Services Agreement (PSA)** – A personal services employment mechanism that is not subject to the U.S. Government's Federal Acquisitions Regulations. PSAs are administered by the embassy's Human Resources Officer in accordance with 3 FAM 7000 and 8000 regulations. The Department of State's PSA authority is found in Section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c) and (n)).

**Personal Services Contract (PSC)** – A contract characterized by the employer-employee relationship it creates between the Government and the contractor. For purposes of this definition, the PSC is used as an employment mechanism for individuals abroad under Section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). These contracts, by statute, are not subject to procurement law and the Procurement Executive has waived application of procurement regulations, such as the Federal Acquisition Regulation (FAR), when obtaining personal services under this statutory authority. These exemptions and waivers avoid conflict with local labor law and permit the agency to administer the PSC as an employment system.

**Note: With the institution of the Personal Services Agreement (PSA), employment by PSC is no longer sanctioned as a Department of State employment mechanism for locally recruited and hired foreign nationals and AMCITs.**

**Temporary Employment** - Non-career employment for a period not to exceed one year in the case of a direct hire appointment and for a period less than one year in the case of a PSA or PSC.

**Third-Country National (TCN)** – A Foreign National employee compensated under Section 408 of the Foreign Service Act of 1980, who is neither a U.S. citizen nor a citizen of the country in which the duty station is located, with whom the U.S. Government is obligated to pay for repatriation to his/her country of citizenship or the country from which recruited.

**When Actually Employed (WAE)** - Employment where the workweek schedule is determined by post management on an as needed basis. The employee may be required to work on an irregular or occasional basis.

## **3 FAM 7122 THROUGH 7129 UNASSIGNED**